

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

JAMES ALLAN HENNIS and
SANDRA KAREN HARRIS

PLAINTIFFS

v.

Civil Action No. 2:10cv20-KS-MTP

TRUSTMARK BANK, et al.

DEFENDANTS

ORDER

THIS MATTER is before the court on a Motion [53] for Order Tolling Time to Respond to Discovery, filed by Defendant Advanced Call Center Technologies, LLC; [54] Motion to Stay or Dismiss Plaintiffs' Pleading Styled Discovery, filed by Defendant Regions Bank; [59] Motion to Strike Plaintiffs' Requests for Admissions, filed by Defendant Regions Bank, and [72] Motion to Stay Discovery Pending Case Management Conference. Having reviewed the motions and the docket in this matter, the court finds that they are well-taken and should be granted.

Local Rule 26(a)(4) provides that discovery before the case management conference is governed by Fed. R. Civ. P. 26(d). That rule states that "[a] party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except...when authorized by these rules, by stipulation, or by court order." *See* Fed. R. Civ. P. 26(d)(1). As the parties have not yet had a case management conference, and as there are no rules, stipulation or court order authorizing discovery at this time, the court finds that Defendants' motions should be granted.

IT IS, THEREFORE, ORDERED and ADJUDGED that [53] Motion for Order Tolling Time to Respond to Discovery, [54] Motion to Stay or Dismiss Plaintiffs' Pleading Styled Discovery, [59] Motion to Strike Plaintiffs' Requests for Admissions, and [72] Motion to Stay Discovery Pending Case Management Conference are granted. Plaintiffs' discovery requests are deemed stricken. The court will set appropriate discovery deadlines and parameters at the case

management conference, as provided by the applicable rules.

IT IS FURTHER ORDERED THAT Plaintiffs' Motion [64] to Deny Defendant Advanced Call Technologies, LLC's Motion for Tolling Time to Respond to Discovery [53] is denied.

SO ORDERED this the 15th day of March, 2010.

s/ Michael T. Parker

United States Magistrate Judge